

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IMH NM, LLC,

Plaintiff,

v.

Civ. No. 16-362 MV/SCY

RECORP NEW MEXICO ASSOCIATES LP
also known as RECORP NEW MEXICO I LP, et al.,

Defendants,

and

HART INTERIOR DESIGN, LLC,
HART INTERIOR DESIGN, LLC 401(k) PROFIT
SHARING PLAN, and ATHENA L HART,

Defendants-Intervenors.

ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION


THIS MATTER is before the Court on Plaintiff IMH NM, LLC's Motion to Remand and Brief in Support (Doc. 5), filed May 20, 2016. On January 23, 2018, the Court referred this motion to United States Magistrate Judge Steven C. Yarbrough for entry of proposed findings and a recommended disposition. Doc. 18.

On August 6, 2018, Judge Yarbrough entered his Proposed Findings and Recommended Disposition (PFRD) in which he recommends granting Plaintiff's motion to remand. Doc. 19. Judge Yarbrough notified the parties that they had 14 days from the service of the PFRD to file any objections to the PFRD. *Id.* at 9. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996).

Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendations. **IT IS THEREFORE ORDERED THAT:**

1. the Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition (Doc. 19);
2. Plaintiff's Motion to Remand and Brief in Support (Doc. 5) is GRANTED; and
3. this lawsuit is remanded to the Thirteenth Judicial District Court for the State of New Mexico.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE